


**TO:** Elyse Greenwald  
Senior Desk Officer  
Office of Management and Budget

**THROUGH:** Ruth Brown  
Departmental Clearance Officer  
Marketing and Regulatory Programs

**FROM:** Bruce Summers  NOV 19 2019  
Administrator  
Agricultural Marketing Service

**SUBJECT:** Request for Emergency Approval of New Information Collection under a  
New Program for Hemp

The Agricultural Marketing Service (AMS) is requesting emergency clearance and review through 5 CFR 1320.13 for a new information collection for the U.S. Domestic Hemp Production Program. This information collection is a result of the Agriculture Improvement Act of 2018 (2018 Farm Bill) initiative directing the U.S. Department of Agriculture (USDA) to issue regulations for producing hemp in the United States. The regulation establishes a process for States and Indian tribes to apply for USDA approval of plans to grow hemp. USDA will offer its own program to producers in States or Tribes that do not submit plans to USDA for approval.

AMS published an Interim Final Rule (IFR) on October 31, 2019. The Rule was effective immediately following publication and there is a 60-day comment period on the information collection portion. Multiple industry groups, Indian tribes and lawmakers have urged USDA to begin approving plans and issuing licenses to permit planting beginning in 2019 for the 2020 crop. Approving plans and issuing licenses in 2019 is the only way for planting to happen in 2020. States and Tribes are permitted now to submit plans to USDA and these plans will be approved or disapproved within 60 days of receipt. AMS will issue licenses to those producers who are covered under the USDA plan. Producer can apply for USDA-issued licenses starting 30 days after the publication of the IFR.

There are forms associated with this IFR and approved by the Office of Management and Budget. The collection of information through these forms submitted by producers, States and Tribes, and laboratory personnel will enable AMS to perform its compliance and oversight responsibilities by obtaining Farm Bill-requested information on the individuals growing hemp, the land on which hemp is grown, and the disposition of plants that test above maximum tetrahydrocannabinol (THC) levels.

AMS will comply with information collection and recordkeeping requirements by submitting this action to OMB for emergency review and approval while the forms receive OMB's approval for a six-month period. AMS believes this emergency clearance request shall be granted since the agency will not be able to reasonably comply with the normal clearance procedures under the PRA because the use of normal clearance procedures is reasonably likely to prevent or disrupt

the collection of information and is reasonably likely to delay producers from growing a crop in 2020. The use of normal clearance procedures would delay USDA's ability to respond in a timely manner to States, Tribes and individual producers seeking licenses to grow hemp.

In compliance with OMB regulations (6 CFR 1320) which implemented the Paperwork Reduction Act of 1995 (Pub. L. 104-13), AMS submitted its 60-day notice on this information collection imbedded into the Interim Final Rule to the Federal Register for publication and public comment. Attached are the OMB-83-I, the Supporting Statement, AMS-71, and a copy of each of the forms needing approval.

Attachments